



# CITY OF MEMPHIS

## COUNCIL AGENDA

May 11, 2010

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

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**CALL TO ORDER by the Sergeant-at-Arms**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**CALL OF ROLL by the Comptroller**

**APPROVAL OF PREVIOUS MEETING MINUTES (April 27, 2010)**

**ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ITEMS HELD OR DROPPED FROM THE AGENDA**

**PRESENTATIONS AND RECOGNITION OF VISITORS**

1. RESOLUTION recognizing Frances Manley on her retirement from the Friends of the Library Board after more than 40 years of service.

Strickland

ACTION REQUESTED: Adopt the resolution

2. RESOLUTION approving an honorary street name change for Mrs. Bettye Louise Cumby Scott.

Fullilove

ACTION REQUESTED: Adopt the resolution

3. RESOLUTION recognizing Central High Volleyball Team as District 16-AAA and MIAA City Champions.

Ford

ACTION REQUESTED: Adopt the resolution

**PUBLIC HEARINGS** (None)

**DIVISION OF PLANNING & DEVELOPMENT**

4. RESOLUTION approving a hotel waiver for American Inn located at 3265 Elvis Presley Boulevard, Memphis, TN 38116.

Ford

Case No. HMW 10-03

ACTION REQUESTED: Adopt the resolution

5. RESOLUTION approving a special use permit located on the south side of Summer Avenue; ± 57 feet east of Carpenter Street, containing 0.17 acre in the Local Commercial (C-L) District.

Ford

Case No. SUP 10-211

Applicant: Steve Makris  
Ledford Eng. & Planning – Candace Cannon – Representative

Request: Motor Vehicle Service Use

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**No Public Hearing Required; No Opposition at LUCB**

**ZONING ORDINANCE – THIRD AND FINAL READING**

6. **ORDINANCE** amending the Joint Memphis and Shelby County Zoning Ordinance – Regulations Adopted by the Shelby County Board of Commissioners on October 6, 1980, and the City Council of the City of Memphis on October 7, 1980, being Resolution and Zoning Ordinance No. 3064, as amended, up for T H I R D and F I N A L reading.

Ford

Ordinance No. 5340

Case No. ZTA 09-002cc

Request: (1) Amend Section 2 to define the term “Family Recreation Center(s)”  
  
(2) Amend Section 2 to define the term “Parking”  
  
(3) Amend Chart 1, Footnote 18, requiring Adult Entertainment uses to be located a minimum distance of 1,500 feet from certain identified uses, to add “Family Recreation Center(s)” “Day Care Centers” as two of the identified uses listed.

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

**NO NOTICES WERE REQUIRED**



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## CONSENT AGENDA

### GENERAL ORDINANCES - FIRST READING

7. **ORDINANCE** amending Chapter 15, Section 15-7, City of Memphis Code of Ordinances, to revise language regarding City issued carts and use of personal containers, up for F I R S T reading.

Hedgepeth

Ordinance No. 5355

ACTION REQUESTED: Adopt the ordinance on First reading

8. **ORDINANCE** amending Chapter 33, City of Memphis Code of Ordinances, to increase Sewer Fees, up for F I R S T reading.

Hedgepeth

Ordinance No. 5356

ACTION REQUESTED: Adopt the ordinance on First reading

9. **ORDINANCE** to amend Chapter 2, Article IV, of the Code of Ordinances, so as to establish the City of Memphis Minority Business Development and Oversight Commission, up for F I R S T reading.

Strickland

Ordinance No. 5357

ACTION REQUESTED: Adopt the ordinance on First reading

10. **ORDINANCE** to amend Chapter 25, Code of Ordinances, City of Memphis, so as to increase the City Contribution allowable under Section 25-71 and Section 25-171, up for F I R S T reading.

Strickland

Ordinance No. 5358

ACTION REQUESTED: Adopt the ordinance on First reading

11. **ORDINANCE** to increase Pension Benefits allowable under Section 25-95 and Section 25-195, up for F I R S T reading.

Strickland

Ordinance No. 5359

ACTION REQUESTED: Adopt the ordinance on First reading

12. **ORDINANCE** establishing the Fiscal Year 2011 Operating Budget for the City of Memphis, up for F I R S T reading.

Morrison

Ordinance No.5360

**Ordinance** to appropriate the proceeds of the tax levy on the assessed values on all properties of every species within the city limits for general purposes for the Fiscal Year July 1, 2010, through June 30, 2011.

ACTION REQUESTED: Adopt the ordinance on First reading

13. **ORDINANCE** fixing the Tax Rate of the City of Memphis for Fiscal Year 2011, up for F I R S T reading.

Morrison

Ordinance No. 5361

ACTION REQUESTED: Adopt the ordinance on First reading

**GENERAL ORDINANCE - SECOND READING**

14. **ORDINANCE** to amend Chapter 15, to regulate Disposal of items by Property Owners that do not pay Solid Waste Disposal Fees, up for S E C O N D reading.

Hedgepeth

Ordinance No. 5353

ACTION REQUESTED: Adopt the ordinance on Second reading

**ZONING ORDINANCE - FIRST READING** (None)

**ZONING ORDINANCE - SECOND READING** (None)

**ENGINEERING**

15. RESOLUTION approving final plat of STARKS SUBDIVISION.

Case No. S 07-020

Resolution approves the final plat beginning at the northwest terminus of Prince Phillip Cove.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

16. RESOLUTION approving final plat of UPCHURCH S/D.

Case No. PD 09-003

Resolution approves the final plat located on the Westside of Springer Drive, 317.61 feet north of Walnut Trace Drive. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

17. RESOLUTION approving final plat of MEMPHIS HOMEBUILDERS P.D., PHASE 1, ROAD IMPROVEMENTS.

Contract No. CR-5156

Resolution approves the final plat located on the southeast corner of N. Germantown Parkway and Walnut Run Road. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

18. RESOLUTION approving final plat of KROC CENTER P.D.

Case No. PD 07-306

Contract No. CR-5157

Resolution approves the final plat located on the east side of East Parkway South, 391 feet south of Central Avenue. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

19. RESOLUTION approving standard traffic signal modification contract for WINCHESTER/HACKS CROSS ROAD P.D. – SIGNAL at Winchester Road and Polo Club.

Contract No CR-5158

Resolution approves the standard traffic signal modification contract located at the intersection of Winchester Road and Polo Club (a private drive). Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard traffic signal contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

**GENERAL ITEM**

20. RESOLUTION congratulating Jim Duncan on his Garden Club of America Award.

Strickland

ACTION REQUESTED: Adopt the resolution



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### MLGW FISCAL CONSENT

21. RESOLUTION awarding Contract No. 11371, UPS/PDU Electric Operations Maintenance, to Electronic Power Systems, Inc. in the funded amount of \$52,650.00. (Held from 4/27)
22. RESOLUTION approving Change No. 4 to Contract No. 10929, Licensing Agreement between MLGW and E-Source, Inc. in the funded amount of \$24,320.00, for a new contract value of \$1,589,967.47. (This change provides access to all materials, reports, research, best practices and inquiries from Intelligent Grid Service covering the period May 1, 2010 to April 30, 2011, and accommodates MLGW's Smart Grid Demonstration project development and implementation needs to effectively and efficiently develop and implement the project). (Held from 4/27)
23. RESOLUTION giving MLGW's Vice President and General Counsel contract authority in the amount of \$115,000.00 for a legal settlement.
24. RESOLUTION giving MLGW's Vice President and General Counsel contract authority in the amount of \$160,000.00 for a legal settlement.



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## REGULAR AGENDA

### GENERAL ORDINANCES -THIRD AND FINAL READING

25. **ORDINANCE** to create the City of Memphis Alcohol Impact Area, up for T H I R D and F I N A L reading. (Held from 4/13; 4/27)

Lowery

Ordinance No. 5349

ACTION REQUESTED: Take whatever action Council deems advisable

26. **ORDINANCE** to amend Chapter 21, Motor Vehicles and Traffic, Article IX, Inspection of Vehicles to require annual inspection only for vehicles four (4) years old or older, up for T H I R D and F I N A L reading.

Ware

Ordinance No. 5351

ACTION REQUESTED: Take whatever action Council deems advisable

27. **ORDINANCE** amending Chapter 21, Article V, Code of Ordinances, City of Memphis, to update regulations regarding the operation of Bicycles within the City of Memphis, up for T H I R D and F I N A L reading.

Lowery

Ordinance No. 5352

ACTION REQUESTED: Take whatever action Council deems advisable

**ENGINEERING DIVISION** (None)

**EXECUTIVE DIVISION** (None)

**FINANCE & ADMINISTRATION**

28. **RESOLUTION** amending the Fiscal Year 2010 Budget to move appropriations between categories, service centers and approve additional funding from reserves as a result of unanticipated circumstances.

Morrison

ACTION REQUESTED: Adopt the resolution

29. RESOLUTION authorizing the issuance, sale and delivery of not to exceed \$80 million dollars (\$80,000,000.00) principal amount of the City of Memphis, Tennessee, General Improvement Bonds, Series 2010B, for the purpose of financing various public works projects of the City.

Morrison

ACTION REQUESTED: Adopt the resolution

**DIVISION OF FIRE SERVICES** (None)

**DIVISION OF GENERAL SERVICES** (None)

**DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT** (None)

**DIVISION OF HUMAN RESOURCES** (None)

**LAW DIVISION** (None)

**MLGW DIVISION** (None)

**PARK SERVICES**

30. RESOLUTION appropriating \$100,000.00 for construction in CIP Project Number PK06009, Golf Course Green Rehab, chargeable to the FY2010 Capital Improvement Budget.

Boyd

ACTION REQUESTED: Adopt the resolution

31. RESOLUTION appropriating \$440,000.00 for construction of a Skate Park, CIP Project Number PK07098, chargeable to the FY2010 Capital Improvement Budget.

Boyd

ACTION REQUESTED: Adopt the resolution

32. RESOLUTION appropriating \$2,500,000.00 in Contract Construction, funded by G.O. Bonds General for Zoo Hippo Exhibit, CIP Project Number PK09004.

Boyd

Council did include Zoo Hippo Exhibit, CIP Project Number PK09004 as part of the FY2010 Capital Improvement Program. The City of Memphis has entered into an agreement with the Memphis Zoological Society which provides for procedures for the use and payment of the current and future Capital Appropriation.

ACTION REQUESTED: Adopt the resolution

33. RESOLUTION amending Contract Number 22649 between the City of Memphis and the Friends of Levitt Pavilion to allow sale of beer or wine by the cup or allow participants to bring beer or wine.

Boyd



ACTION REQUESTED: Adopt the resolution

**DIVISION OF POLICE SERVICES** (None)

**DIVISION OF PUBLIC SERVICES**

34. RESOLUTION requesting the Administration to remove funding from proposed FY 2011 O&M Budget to cover costs associated with vehicle inspections. (Held from 4/13).

Ware

ACTION REQUESTED: Adopt the resolution

**DIVISION OF PUBLIC WORKS**

35. RESOLUTION amending the Fiscal Year 2010 Capital Improvement Budget by transferring a construction allocation funded by G.O. Bonds from Metal Museum N. Bluff Repair, Project Number PW04073 to an architecture/engineering allocation in Elvis Presley/Shelby/Winchester, Project Number PW01064.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

**GENERAL ITEM** (None)

**APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ADJOURNMENT**

**ADD-ONS**

36. Proclamation declaring May 2010 as Memphis Fire Fighter Appreciation Month.  
Mayor  
Wharton

37. **APPOINTMENTS**  
Strickland

**Director of Community Enhancement**

Reappointment

Ernest Dobbins

**Director of Human Resources**

Appointment

Quintin Robinson

**Director of Park Services**

Reappointment

Cynthia Buchanan

**Director of Public Services and Neighborhoods**

Reappointment

Janet Hooks

38. RESOLUTION recognizing Douglass High School Girls' Basketball Team as District 16-A City and League Champions.

Ware

ACTION REQUESTED: Adopt the resolution

39. RESOLUTION giving MLGW's Vice President and General Counsel contract authority in the amount of \$28,958.39 for a claims settlement.

Consent

ACTION REQUESTED: Adopt the resolution

40. RESOLUTION giving MLGW's Vice President and General Counsel contract authority in the amount of \$36,000.00 for a legal settlement.

Consent

ACTION REQUESTED: Adopt the resolution

41. **ORDINANCE** amending Chapter 15, Section 15-12, City of Memphis Code of Ordinances, to increase Solid Waste Fees for Collection and Disposal, add a cart leasing option and revise the description of the residential and commercial business categories, up for F I R S T reading.

Consent

Ordinance No. 5354

ACTION REQUESTED: Adopt the ordinance on First reading

42. RESOLUTION adjusting Additional Treatment Charge for City of Memphis Sewer Fees.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

43. **ORDINANCE** to amend previous Ordinance 4388, codified as City code, Title 6, Article 6, Section 2-331(a), to extend the Sunset Clause set forth therein until December 31, 2010, up for F I R S T reading.

Conrad

Ordinance No. 5362

ACTION REQUESTED: Adopt the ordinance on First reading

**ACTION TAKEN BY COUNCIL ON THIS DATE**

- 1. Through 3 – Approved
- 4. Held until May 25, 2010
- 5. Through 24 – Approved
- 25. Held until June 8, 2010
- 26. Held until June 22, 2010
- 27. Through 33 – Approved
- 34. Held until June 22, 2010
- 35. Through 41 – Approved
- 42. Held until June 8, 2010
- 43. Approved

**ACTION TAKEN ON THE MINUTES OF APRIL 27, 2010 MEETING**

Approved

**ACTION TAKEN ON THE MINUTES OF ITEMS# 6, #23, #24, #30, #33, #37, #39 & #40,  
FROM TONIGHT'S MEETING**

Approved